

Exhibit 11



George Latimer
County Executive

Office of the County Attorney

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August 7, 2020

Hon. Stephen C. Robinson
Skadden, Arps, Slate, Meagher & Flom, LLP
One Manhattan West
New York, New York 10001
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Via email and overnight mail

Re: United States ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, New York (No. 06 Civ. 2860 (DLC))

Dear Judge Robinson:

In response to your July 23, 2020 Information Request, and the additional questions contained in your July 28, 2020 email, the County provides the following answers and information on a variety of topics related to Affirmatively Furthering Fair and Affordable Housing in Westchester County.

I. AFFH Units:

(a) When will all 750 units be completed?

Currently, 709 units have been completed. The County estimates that the remainder of the 750 units will be completed by December 31, 2020. Additional units are in the pipeline and will be completed over the next two years.

(b) Can the County provide some verification that the 709 completed units meet the requirements to be affordable units?

- i. For example, can the County provide evidence of Certificates of Occupancy, deeds restrictions, and/or affirmative housing marketing? Is there a third party that can attest that the units meet the terms of the Settlement?**

Enclosed is a thumb drive containing Certificates of Occupancy for 709 completed units. The affirmative marketing is completed by the County's marketing consultant, Housing Action Council, which provides the marketing reports included in the Appendix of each Quarterly Report. Housing Action Council can provide additional information on any of the units.

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ii. Can the County walk us through the units and explain why they would qualify as AFFH units under Paragraphs 7(a)-(h) of the Settlement?

In each of our Quarterly Reports, we summarize the units in accordance with Paragraphs 7(a)-(h) to keep an on-going record of the various requirements. The information is presented on the Sites Progress List, enclosed herewith as Attachment A.

For example, the column entitled Stipulation Area Designation provides the detail on which of Paragraphs 7(a)-(c) each of the units qualifies. The column entitled No. of Eligible Rental Units provides the specific units to demonstrate the County's compliance with Paragraph 7(d) where at least 375 units are required. The column entitled No. of Eligible Ownership Units provides the specific units to demonstrate the County's compliance with Paragraph 7(e) where no more than 375 units are allowed.

The information on the specific units for compliance with Paragraph 7(f) is under the column entitled No. of Senior Units. Paragraph 7(g) had no specific number or reporting associated with it. The information on the specific units for compliance with Paragraph 7(h) is under the column entitled No. of Existing Units.

(c) The Settlement identifies Census Blocks with the lowest concentrations of African-American and Hispanic residents using 2000 Census data (see Paragraph 7). Does the County have an update on these Census Blocks using 2010 Census data?

The 2010 Census does not utilize identical census blocks to the 2000 Census, and therefore an apples-to-apples comparison is not possible. Enclosed as Attachment B are several side-by-side maps demonstrating the differences in the census blocks between 2000 and 2010. Enclosed herewith as Attachment C is a municipality-by-municipality comparison of African-American and Hispanic residents for the 31 eligible municipalities, between the 2000 and 2010 Census. The County can provide the data for each census block from the 2010 Census upon request.

II. Model Ordinance:

(a) What is the County's position with respect to whether the County is required to sue recalcitrant municipalities, based on the language of the Consent Decree?

Outside of the recital paragraphs,¹ the Settlement only references the County bringing legal action under Paragraph 7(j). In Judge Cote's May 24, 2016 Order, the Court made clear that the obligation to bring legal action, if necessary, only arose in the context of the development of the 750 units required under Paragraph 7. See May 24, 2016 Order, Doc. 608 at 50; accord MONITOR'S SUBMISSION RELATING TO

¹ It is long and well-established that, in the context of consent decrees, "[a] judgment does not reside in its recitals, but in the mandatory portions." *Std. Oil Co. v. Clark*, 163 F.2d 917, 928 (2d Cir. 1947) (quotation marks and citation omitted); *Aramony v. United Way of Am.*, 254 F.3d 403, 413 (2d Cir. 2001) (quotation marks and citations omitted).

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THE MONITOR'S REQUESTS FOR RELIEF AND RELIEF PROPOSED BY THE ANTI-DISCRIMINATION CENTER OF METRO NEW YORK, INC., Doc. 630 at 16-21.

Furthermore, the Settlement only requires that the County "promote" the model ordinance. *See* Settlement ¶ 25(a). As the Second Circuit held in relation to the term "promote" with respect to the source of income legislation, the duty to promote "certainly does not require the County Executive to ensure that the legislation be enacted into law." *U.S. ex rel. ADC v. Westchester Cnty.*, 712 F.3d 761, 769 (2d Cir. 2013). Clearly, if the duty to promote in Paragraph 33(g) did not require ensuring the enactment of source of income by the County Legislature, the duty to promote in Paragraph 25(a) cannot be read to require ensuring the enactment of the model zoning ordinance by local municipalities. The Settlement only contemplates "promotion" of the model ordinance provisions, not enactment by every local municipality. *Id.* ("For example, if the Board never passed the legislation, but the County Executive undertook numerous active steps trying to bring the legislation into being, the duty to promote could be discharged even while the passage would not have been ensured."); *accord* July 18, 2016 Order, Doc. 659 at 38 n. 15 (applying this definition of "promote" to the Model Zoning Ordinance).

As the County detailed in its August 15, 2018 letter and the attachments thereto, the County has undertaken substantial efforts over the life of the Settlement to encourage the adoption of the model ordinance provisions, and it continues to do so. While some municipalities have not adopted the model zoning ordinance provisions, the County has complied with its obligations under Paragraph 25(a). Moreover, given that the Second Circuit has explicitly defined "promote" to *exclude* a requirement of enactment for the purposes of the Settlement, and the only requirement to commence legal action has been linked solely to the 750 units, the County cannot be obligated to sue any local municipality over the failure to enact the Model Zoning Ordinance.

In addition, apart from the above, there does not appear to be legal authority for the County to bring litigation challenging a municipal zoning code in the abstract. Cases challenging zoning codes such as the *Berenson* and *Huntington* cases or other authority have been grounded in the refusal of a municipality to adopt a zoning change in order to allow a housing development to move forward. *See Mhany Mgmt. v. Cnty. of Nassau*, 819 F.3d 581, 600-02 (2d Cir. 2016) (standing requires a "realistic opportunity" for a development to proceed) (quotation marks and citation omitted). Indeed, this lack of general standing has been recognized during the course of this implementation. *See* MONITOR'S SUBMISSION RELATING TO THE MONITOR'S REQUESTS FOR RELIEF AND RELIEF PROPOSED BY THE ANTI-DISCRIMINATION CENTER OF METRO NEW YORK, INC., Doc. 630 at 23 ("No plausible reading of the Settlement supports a requirement that the County purchase land parcels in order to gain standing to sue municipalities.")²

² ADC, in its attempt to file as an *amicus* in 2016, asked the Court to order the County to purchase sites in municipalities in order to compel zoning changes, including through litigation. *See* MAY 11, 2016 LETTER TO HON. DENISE COTE, Doc. 592 at 16, para c. In opposition to these requests, the Government specifically noted that this requested relief would "require outright changes to the Consent Decree." RESPONSE OF THE UNITED STATES TO THE COURT'S ORDER OF MAY 1, 2016 AND THE RECOMMENDATIONS IN THE MONITOR'S THIRD BIENNIAL ASSESSMENT, Doc. 628 at 24.

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(b) The County has encouraged municipalities to adopt the Model Ordinance through various public speaking engagements, partnerships, training programs, and written correspondence. Despite these efforts, only 20 of the 31 municipalities have adopted the Model Ordinance in part or at least fairly represented that their existing ordinances comply with the Model Ordinance. This means that 11 municipalities (35%) have not adopted any ordinance for affordable and fair housing. What is the County's position on this issue, and what steps is the County taking to bring these municipalities into compliance?

The County certainly encourages all municipalities in Westchester County to adopt provisions which further the development of fair and affordable housing, and will continue to do so. The County's position with respect to Paragraph 25(a) is that, while the County has an obligation to encourage municipalities to adopt the Model Zoning Ordinance, it is ultimately a decision for each of the municipalities to make whether to adopt those provisions. As discussed above, there is no requirement in the Settlement that every eligible municipality adopt the Model Zoning Ordinance, only that the County promote its adoption.

The County continues to encourage the adoption of the model ordinance provisions., and continues to use means at its disposal to do so. This includes the conditioning of discretionary funding on adoption of the model provisions, as well as continued public engagements, written correspondence, training opportunities, and meetings with local municipalities, non-profits, and other community leaders and organizations.

- i. Is it the County's view that it is responsible for writing letters to recalcitrant municipalities to encourage adoption of the Model Ordinance? How often will the County do so, and what other dialogue will the County engage in with the municipalities to bring them into compliance?**

Writing letters to the local municipalities is one of the ways in which the County has and continues to promote the Model Zoning Ordinance. It will continue to do so in response to Planning Board referrals, which are submitted to the County by state law. The County will continue with its other outreach efforts to advance the cause of affordable housing throughout the County. The frequency is hard to determine, as planning board referrals depend upon local development, and the ability/availability to engage in public outreach has been hampered by the COVID-19 pandemic, and the responsibilities in responding thereto. However, the County will continue to look for opportunities to encourage municipalities to adopt the ordinance.

(c) Although Cortlandt and Somers have not adopted the Model Ordinance, it appears that they have tried to advance fair housing through other means. Cortlandt reports that its zoning code provides certain mechanisms for affordable housing, including special permits to allow for the redevelopment of existing multifamily parcels up to a 20% density bonus and a floating "Community Betterment District" that encourages mixed use development. Somers' zoning code provides for mandatory inclusionary units in six different zoning districts, density incentives, and provisions similar to the Model Ordinance for occupancy standards, resale requirements, and other considerations. What is the County's position on Cortlandt and Somers' efforts to further affordable housing that stops short of adopting the Model Ordinance? What steps is the County taking to address these shortcomings?

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- 1) Town of Cortlandt. In addition to the provisions cited above, Cortlandt also provides for accessory apartments in single-family zoning districts, which advances the availability of affordable housing. While the County would prefer the adoption of additional model ordinance provisions, and will continue to encourage the Town in the ways set forth above, the County appreciates that the Town has taken steps to advance the development of affordable housing.
- 2) Town of Somers. While Somers does not provide for mandatory inclusionary units town-wide, it does adopt many model ordinance provisions in the locations it does. Moreover, where it does require mandatory inclusionary units it has gone above the model ordinance provisions, requiring 15% of units to be affordable, instead of the 10% in the model ordinance. The County still encourages broader application of the inclusionary zoning, to all zoning districts in the Town, but believes that Somers' zoning code has furthered the development of affordable housing. Additionally, as discussed in the County's AI, which was accepted by HUD, most recent residential development in Somers has been multi-family and townhouse development in these zones; as such, it is clear that the zoning ordinance is advancing fair and affordable housing in Somers.

(d) The municipalities of Harrison, Rye, and Pelham Manor have not adopted the Model Ordinance. Harrison made clear in a 2016 letter that it did not plan to adopt the Model Ordinance but instead would rely on "market forces" to create "well-differentiated housing options for individuals of various economic means." In 2017, Harrison engaged in a review process to consider the Model Ordinance provisions. However, it still has not adopted the Model Ordinance. Pelham Manor considered adopting the Model Ordinance or specific affordable housing provisions in 2014 and again in 2017 but has still not adopted any affordable housing provisions. As for Rye, it has advised the County that its codes effectively deal with the topics of the Model Ordinance provisions, but it has not actually adopted any Model Ordinance provisions. What is the County's position on Harrison, Rye, and Pelham Manor's refusal to adopt the Model Ordinance, and what steps is the County taking to address this issue?

The County has urged these municipalities to adopt the Model Zoning Ordinance. Adoption of the ordinance provisions, in whole or in part, advances affordable housing more than market forces. Thus, the County's position is that these municipalities should substantially adopt the Model Zoning Ordinance. The County will continue to promote the ordinance to these municipalities, through all the mechanisms previously discussed, including in its responses to Planning Board referrals, public outreach and information, meetings with municipal officials, and the conditioning of discretionary funding on the adoption of the provisions.

(e) Yorktown also does not currently have any of the Model Ordinance provisions in place, and it has had a more tumultuous relationship with the Model Ordinance than any other municipality. It initially adopted a new ordinance based on the Model Ordinance with some discrepancies but repealed the affordable housing provisions from their local laws in 2016 despite the County urging it not to do so. In 2019, Yorktown proposed draft zoning in line with the Model Ordinance but never took a vote on it. What is the County's position on Yorktown's failure so far to adopt the Model Ordinance provisions, and what steps is the County taking to address this issue?

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As with Harrison, Rye, and Pelham Manor, the County believes that Yorktown should readopt the Model Zoning Ordinance provisions. The County has continued to advocate for this, and continues to promote the model ordinance to Yorktown. We regularly remind the Town through our response letters to their residential Referrals submitted under General Municipal Law 239 that they should adopt the Model Ordinance provisions. We are currently working with the Town on some funding that would be subject to the Discretionary Funding Policy that will require the Town to ensure that their zoning is conducive to creating affordable housing opportunities.

III. Analysis of Impediments:

(a) Thank you for your response in your June 9, 2020 letter with respect to whether Larchmont still has exclusionary zoning under the Huntington standard. We understand and appreciate your view that Larchmont has taken steps to further affordable housing and that it is a small municipality with limited developable land. However, we are concerned that Larchmont may still be in violation of *Huntington* if minority clustering continues to exist. Can the County provide a current review of the demographic data in Larchmont that analyzes whether minority clustering is still a considerable issue under *Huntington*?

The County's accepted AI contains a review of Larchmont's demographic data as contained in the 2010 Census. Unfortunately, as ACS data does not contain block-level data, and the data contained in the estimates on the block group level is insufficient to provide an updated map.³ Additionally, the 2020 Census data will be using "differential privacy" protections to avoid the disclosure of confidential response information.⁴ This may have the effect of masking block-level data, which would inhibit performing this type of analysis.⁵

Additionally, as noted in the County's June 9th letter, the vast majority of development in Larchmont over the last decade has been affordable, multi-family housing. Even if some clustering remains, the current zoning code has clearly permitted an increase in fair and affordable housing. There is no evidence that the current zoning ordinance has a disparate impact on minorities—whether or not Larchmont's earlier zoning code iterations did is no longer relevant to the analysis. In highly developed areas such as Larchmont, demographic changes due to zoning amendments can take a significant amount of time. As such, the County believes that the conclusion in the AI—that the high cost of housing, not a discriminatory zoning code—is correct and that there is no *Huntington* issue present in Larchmont.

³ This data is insufficient for multiple reasons. First, the estimates generally contain a high-margin of error on the block-group level. Second, because census blocks do not necessarily conform with zoning boundaries, the clustering analysis already relies on splitting block-level data across multiple districts where applicable. By attempting to utilize block-group estimates, the inaccuracies that can already occur when splitting a block will be magnified utilizing a larger data pool for the split.

⁴ https://www.census.gov/about/policies/privacy/statistical_safeguards/disclosure-avoidance-2020-census.html

⁵ See <https://www.nytimes.com/interactive/2020/02/06/opinion/census-algorithm-privacy.html> for a discussion of how the differential privacy algorithms could impact small population data.

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(b) What is the status of the Lewisboro Commons affordable housing development?

As noted in the County's May 15, 2020 letter, the Lewisboro Commons development is the subject of an Article 78 proceeding commenced by several residents of the Town. (*See* NYSCEF Docket No. 54703/2019). Motions to dismiss were granted, and the petitioners were granted leave to amend. The amended petition was filed and it appears the parties have fully briefed the matter as of June 25, 2020, and the matter is *sub judice*.

(c) What percentage of occupied residential units in Lewisboro are multi-family?

According to the 2014-2018 ACS:

Units in Structure	Estimate	Margin of Error	% of occupied units
Total housing units	5,101	+/-169	
Occupied housing units	4,700	+/-148	
1, detached	3,759	+/-184	80.0%
1, attached	574	+/-119	12.2%
2	155	+/-84	3.3%
3 or 4	49	+/-38	1.0%
5 to 9	57	+/-59	1.2%
10 to 19	39	+/-42	0.8%
20 to 49	58	+/-60	1.2%
50 or more	0	+/-19	0.0%
Mobile home	9	+/-15	0.2%
Boat, RV, van, etc.	0	+/-19	0.0%

To note, the ACS data is estimated on a building-by-building basis. Thus, if a 20-unit condominium development is structured as five buildings with four units each, that development would be contained in the "3 or 4" line, as opposed to the "20 to 49" line. Additionally, accessory apartments would be considered in the "1, attached" line.

(d) Will the County encourage Croton-on-Hudson to further amend its zoning code to map additional areas where zoning is permitted as-of-right and permit accessory units as-of-right?

Currently, Croton-on-Hudson allows accessory units in all residential zoning districts, subject to the minor site plan approval process detailed in the Town's zoning code. With respect to multi-family zoning, currently zoning permits this type of housing as-of-right in 6% of areas where residential units are allowed. Multi-family housing is additionally allowed in another 3% of acreage by special permit. Two-family housing is further permitted in approximately 4% of acreage. The County has, and continues to, advocate for the expansion of multi-family zoning across the County, including in Croton-on-Hudson.

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IV. Needs Assessment:

(a) Did Pattern conduct the Needs Assessment in accordance with the HUD Fair Housing Planning Guide?

The HUD Fair Housing Planning Guide relates to the develop of an analysis of impediments, not a housing needs assessment. Therefore it was not utilized by Patterns for Progress in developing the Needs Assessment.

(b) When County Executive Latimer reviewed the Needs Assessment with representatives from 43 municipalities, did he instruct them to use it to develop plans to AFFH within their municipalities?

The County Executive encouraged the municipalities to bring the report back to their individual municipalities and engage in a productive discussion about what each could do to further affordable housing opportunities. The County certainly encourages the local municipalities to develop plans to develop more affordable housing in general, and in relation with the Needs Assessment. However, the County does not have the authority to direct local municipalities to do so, and can only encourage it.

(c) Does the County plan to create a community land trust?

At the current juncture, the County has not made a decision on the creation of a community land trust. The County has been reviewing various options and methodologies to advance affordable housing, but pressing needs relating to the on-going pandemic have had the unfortunately side-effect of slowing down some of these considerations. The creation of a community land trust is something that will continue to be evaluated.

(d) Does the County plan to commission a housing allocation plan in the future, as it did in 2005?

The County has not undertaken an allocation plan with this Needs Assessment, and does not plan to commission one at this time. The County's objective is to focus on all the information in the Needs Assessment rather than shifting focus to a municipality's number of units needed. We believe that keeping the focus on the entire report will ultimately go further to help expand the affordable housing opportunities across the entire county, as opposed to setting targets by community. Previously we had found that once a municipality achieved their allocation number, they used that as an excuse to not pursue any additional units.

(e) The County stated in its May 15, 2020 letter that it is working with a Hunter College graduate program to prepare a model ordinance aimed at the adaptive reuse of corporate office parks. Which specific graduate program is the County working with?

The project will be run out of the Hunter College Graduate School of Urban Policy and Planning through the course URBP 737: Planning Studio. The professor is Dr. Nicholas Dagen Bloom. Information on Dr. Bloom can be found here: <http://www.hunterurban.org/faculty/nicholas-dagen-bloom>.

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V. Other Questions/Additional Questions from July 28th Email:

(a) Is the County comfortable with the inclusion of its letter correspondence with the Monitor as exhibits to the Report?

Yes.

(b) Other than the postponement of the Westchester County 2020 Fair and Affordable Housing Expo and the postponement of certain meetings with various municipalities following the release of the Needs Assessment, how, if at all, has the COVID-19 crisis impacted the County's progress on affirmatively furthering fair housing?

COVID-19 has impacted the County's progress on affirmatively furthering fair housing in a number of ways. When New York State was essentially shut down, only essential services were allowed to continue. While New York State did include affordable housing within its definition of essential, it was limited to only those affordable housing developments that were 100% affordable. This precluded a number of developments that had a smaller portion of their units as affordable for continuing construction; including several developments in our pipeline. Additionally, the severity of the spread in Westchester significantly impacted several contractors from having their crews work. As the reopening started and continued, many developers found that they were not able to secure some construction materials as the shutdown of various manufacturing plants had severely impacted supplies of materials being available.

From a program perspective, the County has had to shift its focus to securing resources and creating programs to address the critical needs created by COVID-19, including the fact that many households were out of work and have not been able to pay their rent. While New York State has a moratorium on evictions in place until August 20, 2020, we have been putting resources in place to be able to address what we expect to be a large number of households that will be looking for eviction prevention services after the moratorium ends. Based on the information we have collected, we also believe that the need for these eviction prevention services will be even more critical starting in September as the enhanced Unemployment Insurance Benefit ended on July 31, 2020, leaving many more households without the extra funds to be able to pay their rent going forward. Among other things, we have had to issue a Request for Proposals and put in place contracts with four nonprofit housing agencies to assist with the eviction prevention services we expect will be needed after August 20, 2020.

The County has also had to focus a great deal of its time and resources on meeting the food insecurity issues also associated with the thousands of households who have been impacted by COVID-19. The County has issued several Requests for Proposals and award contracts to approximately 50 organizations to allocate several million dollars toward a number of different food programs so the supply of food can be spread out to help to meet the tremendous demand.

The County has also had to shift staff and resources to cover the pandemic management itself, including providing test result notifications, contact tracing, and issuing and serving isolation and quarantine orders. During the height of the spread in Westchester, these efforts severely curtailed other governmental operations.

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(c) What, if any, programs does the County offer to help educate realtors about the importance of fair and affordable housing? Where does this fit into the County's other marketing and education efforts?

The County has long-recognized that educating our realtors is key to assisting with increasing the opportunities for all. The County provides an annual contract to Westchester Residential Opportunities ("WRO") that includes a component for educating realtors. Attachment D is the Scope of Work for the WRO 2020 Contract. As you can see from the attachment, other activities included in this contract are the outreach and education to condominium and cooperative boards to educate them on fair housing. After a number of years of providing this service, WRO has become a resource to the realtors, and members of the various boards as they encounter specific issues or concerns.

In addition, the Westchester County Human Rights Commission (the "Commission") also actively conducts outreach and education on Westchester County's Fair Housing Law to the public, including to the realtor community. As background, the Commission has a new leadership team (i.e., new Executive Director, Deputy Director and Fair Housing Director) with over 40 years of combined experience in fair housing matters. One of the Commission's Board Members, Harry Singh, is a long-time real estate broker and regularly speaks with his real-estate broker colleagues about the Commission's work. In addition to the programs identified below, the Commission speaks with realtors on a regular basis to discuss fair housing issues and has conducted multiple trainings to cooperative housing corporation boards and management companies about fair housing. Below is a description of some education and outreach efforts the Commission has engaged in since April 2019, when the new Executive Director joined the Commission:

1. On January 11, 2020, the Commission, in conjunction with Westchester Residential Opportunities, conducted a fair housing program entitled "Train the Trainer: Fair Housing Training for Real Estate Agents and Brokers." The program was held at the Hudson Gateway Realty Association in White Plains and was attended in person by approximately 56 real estate brokers. The attendees were all trained educators responsible for conducting fair housing trainings to the real estate broker community. The program included a lively interactive discussion and question and answer period. In addition to the presentation, the attendees were provided with materials on fair housing and the Commission. The Commission estimates that the training contained in this fair housing program subsequently reached hundreds of other real estate brokers as the attendees were trainers who were responsible for conducting fair housing trainings on their own.
2. Earlier this year, the Commission was organizing a fair housing education program for an association of Hispanic real estate brokers but the program was delayed due to COVID-19 and scheduling issues. The Commission hopes to reschedule this program.
3. On December 11, 2019, the Commission hosted its Annual Human Rights Day Breakfast. Fair housing issues were discussed at length in the panel discussion. The program included a lively interactive discussion and Q&A period. In addition to the presentation, the attendees were provided with materials on fair housing and the Commission.
4. On October 22, 2019, the Commission presented on fair housing issues in a program called "Information on New York State's New Rent Laws." The program was held in Mount Vernon at

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the Wartburg Conference Center. While this program was open to the general public, members of the real estate community attended this program to learn about the new state rent laws and fair housing. This room was filled to capacity and included a robust question and answer period. In addition to the presentation, the attendees were provided with materials about fair housing and the Commission.

5. On October 11, 2019, the Commission presented on fair housing issues in an all-day housing forum at the Westchester County Center in White Plains. While this program was open to the general public, members of the real estate community were in attendance. The Commission hosted a table at this all-day forum and responded to inquiries from real estate brokers.
6. In the summer of 2019, the Commission conducted education and outreach on fair housing issues by attending over a dozen heritage fairs located in Westchester County. The Commission's team members were at every heritage event and had a tent, table and/or written materials on fair housing. These events were attended by thousands of people and the Commission had discussions with members of the real estate broker community on fair housing issues at these all day events.
7. In August 2019, the Executive Director drafted an article on housing discrimination based on citizenship status and national origin. This article was published in *Westchester Hispano*, a local Spanish language newspaper. The newspaper was distributed to the public including to the real estate broker community.
8. On April 30 2019, in recognition of Fair Housing Month, the Commission hosted a program on "Fair and Affordable Housing" at the Elisabeth Haub School of Law at Pace University. While this program was open to the general public, members of the real estate community were in attendance. This program was well attended and included an interactive question and answer period. The attendees were provided with materials about fair housing and the Commission.

Additionally, in 2018 Westchester County amended its Fair Housing Law to impose time limits for cooperative housing corporations to act on applications to purchase cooperative housing units, and required notice of any rejection to be provided to the Commission. The Commission has discussed the law with real estate brokers regularly, and published an article in *Real Estate In-Depth*, the "Official Publication of the Hudson Gateway Association of Realtors" entitled "What You Need to Know about Westchester's Cooperative Disclosure Law." The Commission has also enforced the disclosure law, issuing and collecting fines for violations.

(d) With respect to Larchmont, as previously noted, we understand and appreciate your view that Larchmont has taken steps to further affordable housing and that it is a small municipality with limited developable land. Despite that view, we remain concerned about minority clustering in violation of *Huntington* given that the majority of Larchmont's residential land is zoned for single-family housing only. Larchmont's adoption of the Model Ordinance, while commendable, does not increase the amount of land zoned for multi-family housing. Will the County encourage Larchmont to further amend its zoning code to map additional areas where multi-family zoning is permitted as-of-right? How can the Monitor assist the County with this? Should the Monitor meet with municipal leadership directly?

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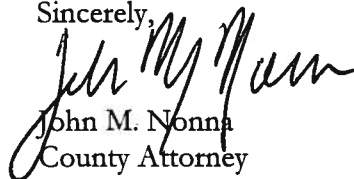
The Village of Larchmont has benefitted from the involvement of the Pace University Land Use Law Center and the Housing Action Council over the years, assisting them with understanding the Model Ordinance provisions. Housing Action Council met directly with the Mayor and another member of the Board of Trustees to walk-through the ordinance and discuss various options involved in its adoption, and then attended a work session of the full Board where the model ordinance was discussed. The County certainly encourages the adaptive reuse of areas when redevelopment occurs, including the expansion of multi-family housing where the opportunities permit.

However, given the low levels of development in Larchmont, as evidenced by the data discussed in the County's June 9th letter and in response to question III(a) *supra*, it is unclear how much of an effect expanded multi-family zoning will have. For example, half the acreage in Larchmont is zoned as either R-5 or R-7.5, which have lot sizes of 5,000 and 7,500 square feet, and minimum widths of 50 and 60 feet, respectively. In the current MF district, the minimum lot size and width is 1,500 square feet and 20 feet *per unit*. Thus, in the R-5 district, permitting multifamily housing could still result in the ability to only develop 2 or 3 units of housing on a single parcel, and in the R-7.5 district, 3 to 5 units of housing, depending on width of the lot. Thus, in order to construct multi-family developments, it could be necessary to acquire and redevelop multiple adjoining parcels, which could be difficult in a highly developed municipality such as Larchmont.

Of course, the County would gladly accept any assistance you would offer to discuss the expansion of multi-family zoning in Larchmont, and can coordinate a meeting with Larchmont leadership if you would like to meet with them.

I hope you find these responses helpful. We look forward to speaking with you.

Sincerely,



John M. Nonna
County Attorney

Attachments

Cc: George Latimer, County Executive
Ken Jenkins, Deputy County Executive
Joan McDonald, Director of Operations
Andrew Ferris, Chief of Staff
Norma V. Drummond, Commissioner of Planning
Justin Adin, Deputy County Attorney